UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6829

STEPHEN E. MCCLELLAND,

Party in Interest - Appellant,

and

ALLEN MCRAE; CHARLES STEVENSON; PATRICK
LAHENS; DENNIS BLYDEN; DAVID EVICK, JR.;
RASHID QAWI AL-AMIN,

Plaintiffs,

versus

GENE M. JOHNSON, in his official capacity,

Defendant - Appellee.

UNITED STATES OF AMERICA,

Movant.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. Richard L. Williams, Senior
District Judge. (CA-03-164-3)

Submitted: September 1, 2004   Decided: October 28, 2004

Before MOTZ, TRAXLER, and DUNCAN, Circuit Judges.

Affirmed in part; dismissed in part by unpublished per curiam opinion.

Stephen E. McClelland, Appellant Pro Se. Mark Ralph Davis, Joel Christopher Hoppe, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Stephen E. McClelland appeals the district court's order denying his motion to intervene filed pursuant to Fed. R. Civ. P. 24. We have reviewed the record and find no abuse of discretion in the district court's denial of relief. Accordingly, we affirm the district court's denial of McClelland's motion for intervention as of right under Rule 24(a) for the reasons stated by the district court. See McClelland v. Johnson, No. CA-03-164-3 (E.D. Va. Apr. 20, 2004). We dismiss the appeal from the district court's denial of McClelland's motion for permissive intervention under Rule 24(b). See Bhd. of R.R. Trainmen v. Baltimore & Ohio R.R. Co., 331 U.S. 519, 524 (1947) ("Ordinarily, in the absence of an abuse of discretion, no appeal lies from an order denying leave to intervene where intervention is a permissive matter with the discretion of the court."). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED IN PART; DISMISSED IN PART